

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

WANDA HOY)	
Claimant)	
VS.)	
)	Docket No. 231,345
DCCCA DAY REPORTING CENTER)	
Respondent)	
AND)	
)	
HARTFORD ACCIDENT & INDEMNITY)	
Insurance Carrier)	

ORDER

Claimant appeals from an Award entered by Administrative Law Judge John D. Clark on December 7, 1999. The Appeals Board heard oral argument May 12, 2000.

APPEARANCES

Russell B. Cranmer of Wichita, Kansas, appeared on behalf of claimant. Richard J. Liby of Wichita, Kansas, appeared on behalf of respondent and its insurance carrier.

RECORD AND STIPULATIONS

The Appeals Board has considered the record and adopted the stipulations listed in the Award.

ISSUES

The Award grants benefits for a 3 percent whole body disability. The disability is based on the functional impairment rating by the court ordered independent medical examiner, Dr. Philip R. Mills. On appeal, claimant contends the disability should be based on the 19 percent rating by her medical expert, Dr. Pedro A. Murati.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes the Award should be affirmed.

The Board agrees with and adopts as its own the findings and conclusions stated by the ALJ in his Award. While we agree that the 5 percent rating by the treating physician, Dr. Frederick Smith, also is credible, the rating by Dr. Mills, 3 percent, is more consistent with the DRE methodology preferred by the fourth edition of the AMA Guides to the Evaluation of Permanent Impairment than is the 19 percent rating by Dr. Murati. Work disability is not an issue. The Board affirms the finding of 3 percent disability.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge John D. Clark dated December 7, 1999, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of May 2000.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Russell B. Cranmer, Wichita, KS
Richard J. Liby, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director